

arizona municipal water users association

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November 30, 2005

Mr. Robert Johnson
Regional Director
U.S. Bureau of Reclamation
Lower Colorado Region (Attn: BCOO-1000)
P.O. Box 61470
Boulder City, Nevada 89006-1470

Dear Mr. Johnson:

In response to the September 30, 2005 notice in the Federal Register (70 FR 57322), the Arizona Municipal Water Users Association (AMWUA) presents these comments regarding management strategies for Lake Powell and Lake Mead under low reservoir conditions, including lower basin shortage guidelines. The municipal water systems owned and operated by the AMWUA member cities of Chandler, Glendale, Goodyear, Peoria, Phoenix, Mesa, Scottsdale, Tempe and the Town of Gilbert taken together are responsible for providing for the water needs of over 3 million people, 60 percent of the population of the State of Arizona, and the vibrant economy supporting this population. Each AMWUA member holds an M&I subcontract for Central Arizona Project (CAP) water, a vital component of its renewable supplies. Given that under the Law of the River, the CAP is the junior diverter in the lower basin, the management strategies being developed by the Bureau are of critical interest and importance to AMWUA. In fact, equity demands that the Bureau take special note of the desires of the CAP water users with respect to this issue.

Regardless of the nature of the final management strategy, it must comply with the "Law of the River" extant. Within this context, the following concepts must be addressed:

1. Operation of Lakes Powell and Mead must be consistent with the Law of the River, including the fact that operation for the generation of hydroelectricity is subordinate to operation for water supply purposes. Water users should not be subject to increased shortages for the benefit of hydroelectricity production.
2. The minimum objective release from Lake Powell to the lower basin must be at least 8.23 maf/yr. Lower basin shortage guidelines should expire no later than 2016, with the opportunity for review and revision preceding the expiration date.
3. It is AMWUA's understanding that the Bureau has been consulting with the seven basin states regarding conjunctive management of Lakes Powell and Mead. Any change in

upper basin deliveries must be consistent with the upper basin's delivery obligations to the lower basin and the upper basin's share of the Mexican obligation. If conjunctive management of Lakes Powell and Mead is the implemented strategy, then the time frame for this management strategy may need to be extended beyond 2016, with the opportunity for review and revision preceding the expiration date.

4. Through a public process established by the Arizona Department of Water Resources (DWR), the affected Colorado River water users in Arizona have tentatively decided on the following lower basin shortage volumes which should be evaluated by the Bureau. Shortages to the lower basin water users should be based on water level elevations at Lake Mead as follows:

400,000 af shortage at or below 1075 ft at Lake Mead
500,000 af shortage at or below 1050 ft at Lake Mead
600,000 af shortage below 1025 ft at Lake Mead

The final shortage guidelines must be flexible enough so that, after consultation by the Secretary of the Interior (Secretary) with the affected Arizona water users and DWR, any necessary reductions beyond 600,000 af are accomplished in the least damaging way. The guidelines also have to take into account that improved hydrologic conditions may warrant a lesser shortage volume than indicated by the Lake Mead water level elevation.

The DWR process also considered the management of shortages within Arizona among the Priority 4 water users located along the Colorado River mainstem and the CAP. AMWUA believes that the Secretary must apportion shortages among Priority 4 water users in a manner consistent with the Law of the River and their contracts. The Bureau's environmental impact statement should identify the impact on diversions by each Priority 4 water user under varying shortage conditions.

5. The affected Arizona water users and DWR will determine how to most efficiently manage shortages within Arizona.
6. The Bureau's evaluation of the management strategies and shortage guidelines must include consideration of operation of the Yuma Desalting Plant (YDP) as compared to the present situation where the YDP is not operating. The Secretary should not implement a management strategy that does not include operation of the YDP if the strategy will increase the probability of lower basin shortages with respect to severity, magnitude, duration, or frequency of occurrence.
7. Mexico and Nevada should share in any lower basin shortage.
8. Finally, the Secretary should implement the final management strategy through a record of decision after completion of the environmental impact statement by the Bureau.

We appreciate the opportunity to comment on this critical issue and look forward to continuing to work with the State of Arizona and the Bureau of Reclamation in the future with the intention of reaching a satisfactory conclusion for all affected parties.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven L. Olson". The signature is fluid and cursive, with the first name "Steven" and last name "Olson" clearly distinguishable.

Steven L. Olson
Executive Director

c: Herbert R. Guenther, Director, Arizona Department of Water Resources

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